

**STATE OF MARYLAND  
DEPARTMENT OF AGRICULTURE  
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

\*

ALFRED RAYNE, D.V.M.

\*

DOCKET NO. 16-67

LICENSE NO. 4064

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\* \* \* \* \*

**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order ("Consent Agreement"), dated this 22 day of June, 2017, is between the State Board of Veterinary Medical Examiners ("SBVME") and Alfred Rayne, D.V.M., License No. 4064. This Consent Agreement resolves the charges filed by the SBVME on March 23, 2017 in Docket No. 16-67, alleging that Dr. Rayne violated the Veterinary Practice Act, Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland ("Veterinary Practice Act") , and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. On or about May 12, 2017, Dr. Rayne asked to resolve the charges informally. By entering into this Consent Agreement, Dr. Rayne waives the right to a hearing and an appeal on the charges in Docket No. 16-67.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act, Agriculture Article, §§ 2-301 through 2-316, Annotated Code of Maryland and related COMAR regulations adopted pursuant to this law. *See* COMAR 15.14.01 through 15.14.17. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., §2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent

offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. Art., § 2-310.1 In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians). Dr. Rayne has a prior disciplinary history with the Board, as described more fully below.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Alfred Rayne, D.V.M. (License No. 4064) by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Rayne violated the Veterinary Practice Act and related regulations, specifically COMAR 15.14.01.10 which relates to record keeping. Specifically:

1. At all times relevant to these charges, Dr. Rayne was a veterinarian licensed to practice in the State of Maryland and has been licensed since 1992. At times relevant to these charges, Dr. Rayne was the owner and responsible veterinarian at Somerset Regional Animal Hospital, INC., ("SRAH") (License No. 19-001), located at 11279 Stewart Neck Road, Princess Anne, MD 21853.

2. Dr. Rayne has a prior disciplinary history with the Board, including a Consent Agreement entered into in 2012 in Docket 2012-56 in which Dr. Rayne consented to entry of an Order finding that he violated COMAR 15.14.01.04 (pertaining to professional conduct). As a result of that Consent Agreement, Dr. Rayne was assessed a civil penalty, placed on probation for one year, and required to complete Dr. James F. Wilson's record keeping class.

3. In addition, in December of 2012, the Board issued a Civil Penalty Final Order whereby Dr. Rayne was assessed a \$150 civil penalty for failing to maintain a current hospital license.

4. On or about April 5, 2016, "Bono," a five-year-old German Shepherd owned by Brian Sterling ("Mr. Sterling"), was scheduled to be neutered and vaccinated at SRAH. Dr. Rayne was Bono's attending veterinarian for the neuter surgery.

5. Bono was a protective and aggressive dog. Mr. Sterling had Bono muzzled when he arrived at SRAH on the day of surgery.

6. Due to Bono's aggressive behavior, Dr. Rayne initially was unable to perform a thorough pre-surgical examination. Mr. Sterling then held Bono while Dr. Rayne tranquilized Bono with Telazol. Once Bono was tranquilized, Dr. Rayne performed a pre-surgical examination.

7. Following the pre-surgical exam, Dr. Rayne determined that Bono was healthy enough for vaccinations and surgery. Mr. Sterling completed SRAH's surgical consent forms for Bono's neuter surgery. According to SRAH's medical records, Mr. Sterling declined pre-surgical blood work on Bono.

8. Dr. Rayne then performed and completed the surgery on Bono. After a period of recovery, Mr. Sterling came to SRAH to pick Bono up and take him home.

9. Mr. Sterling alleges that when he arrived at SRAH to pick Bono up following surgery, Bono could not walk, forcing Mr. Sterling to carry Bono to his truck. Dr. Rayne disputes this fact. Mr. Sterling took Bono home.

10. During the early morning of the day following the surgery, Mr. Sterling discovered that Bono had died.

11. On or about April 11, 2016, Tonya Sterling ("Ms. Sterling"), mother of Mr. Sterling, filed a complaint with the SBVME against Dr. Rayne in which she alleged, among other things, that Dr. Rayne committed negligence in connection with his treatment of Bono, leading to Bono's death.

12. As part of its investigation into Ms. Sterling's complaint, the SBVME requested and obtained copies of medical records for Bono, including records from SRAH and Dr. Rayne related to Bono's surgery on April 5, 2016.

13. COMAR 15.14.01.10 applies to companion animals such as dogs, and requires that for all animals treated by a veterinarian, the veterinarian shall prepare a legibly written record that accurately and

thoroughly reflects the treatment provided. If a medication is given, the records must reflect the: "(a) amount in milligrams or the volume or concentration of the substance used, (b) frequency; and (c) route of administration." COMAR 15.14.01.10A(8). Records must also include the progress and disposition of the case, as well as the surgery and anesthesia log, if any. COMAR 15.14.01.10A(9) & (10).

14. The records provided by Dr. Rayne and SRAH in connection with the treatment of Bono do not satisfy the requirements of the Veterinary Practice Act, in that the records 1) contain incomplete documentation of prescriptions or medications administered, 2) do not contain an anesthesia log for the surgery, and 3) do not contain a surgical log as required by the Veterinary Practice Act.

Based on the foregoing findings of fact, the SBVME concludes that Alfred Rayne, D.V.M., License No.4064, violated the Veterinary Practice Act and related regulations, specifically COMAR 15.14.01.10A (Record Keeping) in connection with the care and treatment of Mr. Sterling's dog "Bono." Taking all the facts and circumstances into consideration, including the nature of the violation, Dr. Rayne's prior disciplinary history with the Board, as well as his good faith efforts to resolve this matter promptly, the Board concluded that most reasonable and appropriate resolution includes the following sanctions.

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 22 day of June, 2017, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For the three violations of COMAR 15.14.01.10A (Record Keeping), Dr. Rayne is assessed a Civil Penalty in the amount of \$950, with \$450 of that amount stayed. The remaining \$450.00 due shall be paid to the "Maryland Department of Agriculture" with the notation "SBVME - 16-67." Payment shall be made not later than 30 days from the date of this Order.

- (b) Dr. Rayne shall be placed on probation for a period of six months from the date of this Order. While on probation, Dr. Rayne shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. If probation is violated, meaning that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation, the Board may lift the stayed portion of the penalty or take additional disciplinary action
- (c) Within six months of the date of this Order, Dr. Rayne shall complete, as continuing education ("CE"), Dr. James F. Wilson's online "Veterinary Medical Records" course, offered through the University of Iowa, College of Veterinary Medicine, with costs paid by Dr. Rayne. Within 30 days of completion of this CE, Dr. Rayne shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits under this Order. Proof from the CE provider shall include Dr. Rayne's name, the number of CE hours completed, the topics covered, and the dates the CE was given. Completion of this CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 22 day of June, 2017.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS



David L. Handel, D.V.M.  
President  
State Board of Veterinary Medical Examiners  
Maryland Department of Agriculture

**CONSENT**

I, Alfred Rayne, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 7 pages (including the notarized Consent). I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

6/12/17  
Date



Alfred Rayne, D.V.M.

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Somerset

I HEREBY CERTIFY that on this 12 of June, 2017, before me, a Notary Public of the City/County aforesaid, personally appeared Alfred Rayne, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Chelsea D. Sheppard  
Notary Public

My commission expires: 2-8-20

